

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: <u>3/28/2022</u>

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X		
GLEN CARWELL,	:	
	:	21-CV-480 (VEC)
Plaintiff,	:	
	:	
-against-	:	
	:	<u>ORDER</u>
CITY OF NEW YORK, CARLOS LOZADA,	:	
and JOHN OR JANE DOE 1-10,	:	
	:	
Defendants.	:	
-----X		

VALERIE CAPRONI, United States District Judge:

WHEREAS on March 4, 2022, Plaintiff's counsel agreed to pay Defendants' costs incurred in arranging to take Plaintiff's deposition on January 18, 2022, after which Defendants were required to certify via ECF that they have received payment, *see* Dkt. 37; and

WHEREAS on March 14, 2022, when Defendants had not yet certified payment by Plaintiff's counsel, the Court ordered Plaintiff's counsel by March 25, 2022, either to reimburse Defendants for the costs of the aborted deposition or to show cause why the Court should not order him to do so pursuant to 28 U.S.C. § 1927, *see* Dkt. 38;

WHEREAS to date, Defendants have not certified payment by Plaintiff's counsel; and

WHEREAS to date, Plaintiff's counsel have not responded to the Court's March 14, 2022 Order to Show Cause;

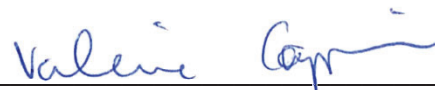
IT IS HEREBY ORDERED that, pursuant to 28 U.S.C. § 1927, Plaintiff's counsel must reimburse Defendants for the costs of the aborted deposition by **April 1, 2022**, and Defendants must certify as much by **April 4, 2022**;

IT IS FURTHER ORDERED that Samuel DePaolo and Sameer Nath must each show cause, not later than **April 1, 2022**, why he should not be personally sanctioned for failing to pay

Defendants' costs as agreed and for failing to respond to the Court's March 14, 2022 Order. If Plaintiff's counsel fails to reimburse Defendants by April 1, 2022, the Court will sanction the firm \$1,000 for failure to comply with Court orders and will consider whether further disciplinary steps are necessary or appropriate against the firm or against Messrs. DePaolo and Nath.

SO ORDERED.

Date: March 28, 2022
New York, NY



VALERIE CAPRONI
United States District Judge